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EXTRAORDINARY

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No. 225] NEW DELHI, FRIDAY, MAY 3, 1957/VAISAKHA 13, 1879

ELECTION COMMISSION, INDIA

NOTIFICATION

New Delhi, the 29th April 1957

S.R.O. 1421.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 83 of 1957 presented to the Commission on the 16th April, 1957, under section 81 of the said Act, by Shri V. V. Giri, Barrister-at-Law, son of late Shri V. V. Jogiah Pantulu Garu, resident of 4, Giri Road, Madras-17, calling in question the election of Shri Dippala Suri Dora, village Sariki, Post Office Thonam, Srikakulam District, Andhra Pradesh to the House of the People, from the Parvatipur constituency of that House.

Presented to me by Shri V. V. Giri whose signature has been obtained in the margin and attested as having been signed before me this the sixteenth day of April one thousand nine hundred and fifty-seven. Challan No. 94318 annexed (84).

(Sd.) A. KRISHNASWAMY AIYANGAR,
Secretary, Election Commission, India.

Attested.

(Sd.) V. V. GIRI, 16th April, 1957.

(Sd.) A. KRISHNASWAMY AIYANGAR, 16th April, 1957.

Secretary, Election Commission, India.

BEFORE THE ELECTION COMMISSION, NEW DELHI

ELECTION PETITION No. 83 OF 1957

Election Petition under Chapter II, Part VI of the Representation of the People Act, 1951 (Act No. 43 of 1951) calling in question election for the Parliamentary Double-Member Constituency of Parvatipur, Srikakulam District, Andhra Pradesh.

BETWEEN

Shri V. V. Giri, Barrister-at-Law, son of late Shri V. V. Jogiah Pantulu Garu, aged 63 years, Hindu, resident of 4, Giri Road, Madras-17, a contesting candidate for the General Seat from Parvatipur Parliamentary Constituency in the State of Andhra.—*Petitioner.*

AND

1. Shri Dippala Suri Dora, village Sariki, Post Office Thonam, Srikakulam District, Andhra Pradesh, the returned candidate for the General Seat.

2. Shri Biddika Satyanarayana Dora, Mokasa Rajapuram, Veeraghattam Post Office, Srikakulam District, Andhra Pradesh, the returned candidate for the Reserved Seat.

The position of the above named petitioner most respectfully show that

2 In the 1957 General Election there were four candidates who entered the election. Of the four candidates, Representative [redacted] defeated the native members of the Scheduled Tribes and contested the election on a basis for the Reserved Seat.

3 The police in the aforesaid construction took place between 1957 and 1964. Since 1967 and the police noted with a follow

Preserved Seat

- 1 Shri B. Subramanya and Dr. Debonder + 2 26,
2 Shri. D. Subb D. + Responden No 1,--12'60

G27 701 270

- 1 Sir V V Gu, Pottaneri, - 24000
2 Sir V Kms, Pottaneri, No. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834

4 The result of the interview was that the subject had no knowledge of the General Staff.

5 The petitioner claims that the original return filed by the
Shri D. Suresh Reddy, Respondent No. 1 has been altered for the purpose of evading
and is illegal and invalid.

6. Shri D. S. Dora, Respondent No. 1, was a member of the Scheduled Caste in the collection of all the Reserved Seats. He was not included in the list of candidates for the Reserved Seats and he did the Congress and it was not his duty to be a member of the Congress. He was not included in the list of candidates for the Reserved Seats (Scheduled Caste) and he was not included in the list of candidates for the Reserved Seats. He was not included in the list of candidates for the Reserved Seats and was opposed by Shri B. S. Dora, Respondent No. 2, who was a member of the Congress and was not included in the list of candidates for the Reserved Seats. He was not included in the list of candidates for the Reserved Seats and was opposed by Shri B. S. Dora, Respondent No. 2, who was a member of the Congress and was not included in the list of candidates for the Reserved Seats.

7 The mandate of the Congress Party was the nomination of candidates for contest only for the General Seat and Shri B. Subramanian was the only candidate for the Reserve Seat. Similarly the mandate of the Socialist Party was to contest for the General Seat. Respondent No. 1, should contest for the Reserve Seat only, and Respondent No. 2, Krishna-moorthy Naidu, Respondent No. 3, for the General Seat only. It was the intention, on the part of the candidate or the political parties to nominate candidates that he can contest for both the two parties, but the rival candidates for the General Seat. The nomination papers filed in support of respective candidates, in the context of the mandate of the parties and the object of the electorate made it absolutely clear that the first and second Respondents were nominated only for the Reserved Seat. They could not have nominated any, for the General Seat as one item filed in support could not be a general seat and the other item filed by them at the instance of their parties, for the nomination for the co-operation of their own party candidate.

[illegible]

9 The result of the election of the returned candidate Shri D. S. Dora has been materially affected by non-compliance of the provision of an amendment of the People Act, 1901 and the Rules framed thereunder in the following manner:

- (i) that the returned candidate has been declared elected for the General Seat without filing nomination for the General Seat as required by Section 32 of the Act.
- (ii) Section 34 of the Act does not authorise grouping of votes in the interest of the General Seat of Scheduled Tribes as was done in the present case. The nomination for contested General Seat is the basis of determining who has secured the largest number of votes for the General Seat. It must not be considered that the votes of such grouping, from the Scheduled Tribes and the

10 It is illegal to take into account of the votes secured by the Respondent No. 1 for the Reserved Seat against the votes secured by the petitioner for the General Seat. Section 54, Clause 4 of the Act provides that the purpose of votes secured by the contesting candidates for the General Seat is to be polled by non-contestants to elect a candidate for the General Seat. It is illegal for a candidate to bring into the account of the votes secured by him for the General Seat. Section 51(4) cannot be construed so as to give the petitioner an electoral right to stand as a candidate for the General Seat.

11 The first respondent cannot be said to be a member of the Scheduled Tribes as he is not a member of any of the tribes mentioned in the Act. This subsection cannot be construed so as to include a person who is not a member of any of the tribes mentioned in the Act. The provision of the Act is illegal as it is against the sub-section of the Act. The provision of the Act is to be applied to the case and is not applicable to the case. The provision of the Act is to be applied to the case and is not applicable to the case.

12 The result of the election of the returned candidate Shri D. S. Dora has been materially affected by the non-compliance of the provisions of the Constitution of India and the Rules of the Act. The particular Articles 14 and 15 are affected.

- (a) A Scheduled Tribe candidate has been declared elected for the General Seat without filing nomination for the General Seat as required by Section 32 of the Act. The provision of the Act is illegal as it is against the sub-section of the Act. The provision of the Act is to be applied to the case and is not applicable to the case.
- (b) Parliament was not competent to make any provision of the Act. The provision of the Act is illegal as it is against the sub-section of the Act. The provision of the Act is to be applied to the case and is not applicable to the case.
- (c) In any event Section 54(4) was not enacted in violation of the provisions of the Constitution and was beyond the legislative competence of Parliament and was not in conformity with the constitutional provisions laid down under Articles 220, 367 and 320 of the Constitution.

13 The result of the election of the returned candidate Shri D. S. Dora has been further materially affected by the non-compliance of the provisions of the Act. The particular Articles 14 and 15 are affected.

- (i) he falsely declared himself to be a member of the Scheduled Tribes of Konda Dechi in his nomination for the General Seat. The provision of the Act is illegal as it is against the sub-section of the Act. The provision of the Act is to be applied to the case and is not applicable to the case.
- (ii) Shri D. S. Dora was not a member of the Scheduled Tribes. The provision of the Act is illegal as it is against the sub-section of the Act. The provision of the Act is to be applied to the case and is not applicable to the case.
- (iii) In any event the declaration of the result of the election has been materially affected by a false statement made in violation of Section 33, Clause 2, of the Act.

14 The petitioner claims a declaration that he himself has been duly elected because in fact he received the majority of the valid votes for the General or Non-reserved Seat at the said election from the said constituency.

15 The petitioner has deposited Rs 1,000/- in the Reserve Bank in favour of the Secretary, Election Commission, as security for the costs of the petition, the receipt whereof is enclosed herewith.

16 In the premises it is prayed that this petition be referred to appropriate Election Tribunal for trial and for orders:

- (a) declaring the election of the returned candidate Shri D. Suri Dora to be void and declaring the petitioner to have been duly elected to the House of the People from Parvatipur Parliamentary Constituency for the General or Non-reserved Seat;
- (b) for costs; and
- (c) for any further or other reliefs or orders as may seem fit and proper to the Election Tribunal.

V V GIRI,
Petitioner.

Verification

I, V V Giri do hereby declare that what has been stated in the above petition in paras 1 to 8 is true to the best of my knowledge, what has been stated in para 13 is true to the best of information and belief and the rest are my submissions

Verified this 16th day of April, 1957, at New Delhi.

D A One (receipt for Rs 1000/-)

V V. GIRI,
Petitioner.

[No 82/83/57]

By Order,
DIN DAYAL, Under Secy.